

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

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| ERNEST FRANKLIN, | } | |
| | } | |
| v. | } | Civil Action No. 05-308 Erie |
| SUPERINTENDENT, SCI FOREST, et al., | } | |
| Respondents. | } | |

MEMORANDUM ORDER

This petition for writ of habeas corpus was received by the Clerk of Court on October 19, 2005 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

On October 25, 2005, the Magistrate Judge filed a Report and Recommendation [Doc. No. 2] recommending that the Petitioner's motion [Doc. No. 1] for leave to proceed *in forma pauperis* be denied. The petitioner subsequently paid the \$5.00 filing fee on November 3, 2005 without filing any objection to the October 25, 2005 Report and Recommendation.

Subsequently, on November 8, 2005, the Magistrate Judge filed a Report and Recommendation [Doc. No. 5] recommending that the petition for writ of habeas corpus be transferred to the United States District Court for the Eastern District of Pennsylvania for further proceedings. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Petitioner by certified mail at SCI Forest, where he is incarcerated, and on Respondent. Petitioner has filed no objections to Magistrate Judge Baxter's November 8, 2005 Report and Recommendation. After de novo review of the petition and documents in the case, together with the above-referenced Reports and Recommendations, the following order is entered:

AND NOW, this 29th day of November, 2005;

IT IS HEREBY ORDERED that the Petitioner's motion for leave to proceed *in forma pauperis* [Doc. No. 1] is DENIED and the petition for Writ of Habeas Corpus is TRANSFERRED forthwith to the United States District Court for the Eastern District of Pennsylvania for further proceedings.

The Reports and Recommendations of Magistrate Judge Baxter, filed on October 25, 2005 [Doc. No. 2] and November 8, 2005 [Doc. No. 5] are hereby adopted as the opinions of this Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge